



**NEW MEXICO
ENVIRONMENT DEPARTMENT**



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Lieutenant Governor

BUTCH TONGATE
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J.C. BORREGO
Deputy Secretary

Original via UPS -- Copy via Electronic Mail

June 23, 2017
Mr. William K. Honker, Director
Water Quality Protection Division (6WQ)
U. S. Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Re: State Certification

Dear Mr. Honker:

Enclosed, please find the state certification for the following proposed National Pollutant Discharge Elimination System (NPDES) permit:

**NM0022101
Village of Taos Ski Valley
Wastewater Treatment Plant**

If any, comments and conditions are enclosed on separate sheets.

U.S. Environmental Protection Agency (USEPA) proposes to regulate discharges under the above-referenced NPDES Individual Permit. A state Water Quality Certification is required by the federal Clean Water Act (CWA) §401 to ensure that the action is consistent with state law (New Mexico Water Quality Act, sections 74-6-1 through 74-6-17, New Mexico Statutes Annotated (NMSA) 1978) and complies with state Water Quality Standards [*State of New Mexico, Standards for Interstate & Intrastate Surface Waters, New Mexico Water Quality Control Commission, 20.6.4 New Mexico Administrative Code (NMAC)*], the Water Quality Management Plan/Continuing Planning Process, including Total Maximum Daily Loads (TMDLs), and the Antidegradation Policy.

Pursuant to State regulations for permit certification (Section 20.6.2.2001 NMAC), USEPA jointly with NMED issued a public notice of the draft permit and announced a public comment period posted on the USEPA web site on April 27, 2017 and NMED web site at <https://www.env.nm.gov/surface-water-quality/public-notices/> On April 28, 2017. The NMED public comment period ended on June 9, 2017. NMED did receive comments during the public comment period and considered them as part of this certification.

Village of Taos Ski Valley

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Sincerely,

/S/ Shelly Lemon

Shelly Lemon, Bureau Chief
Surface Water Quality Bureau

cc: (w/enclosures)

Ms. Evelyn Rosborough, USEPA (6WQ-NP) via e-mail

Mr. Brent Larsen, USEPA (6WQ-PP) via e-mail

Mr. Ray Keen, Public Works Director, Village of Taos Ski Valley

Mr. Robert Italiano, NMED District 2 Manager via e-mail

Mr. Samuel Coleman, Acting Regional Administrator
Environmental Protection Agency
1445 Ross Avenue
Dallas, TX 75202-2733

06/23/2017

STATE CERTIFICATION

RE: Village of Taos Ski Valley Wastewater Treatment Plant, NM0022101

Dear Mr. Coleman:

The New Mexico Environment Department has examined the proposed NPDES permit above. The following conditions are necessary to assure compliance with the applicable provisions of the Clean Water Act Sections 208(e), 301, 302, 303, 306, and 307 and with appropriate requirements of State law. Compliance with the terms and conditions of the permit and this certification will provide reasonable assurance that the permitted activities will be conducted in a manner which will not violate applicable water quality standards and the water quality management plan and will be in compliance with the antidegradation policy.

The State of New Mexico

- ☒ (X) certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law
- ☐ () certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law upon inclusion of the following conditions in the permit (**see attachments**)
- ☐ () denies certification for the reasons stated in the attachment
- ☐ () waives its right to certify

In order to meet the requirements of State law, including water quality standards and appropriate basin plan as may be amended by the water quality management plan, each of the conditions cited in the draft permit and the State certification shall not be made less stringent.

The Department reserves the right to amend or revoke this certification if such action is necessary to ensure compliance with the State's water quality standards and water quality management plan.

Please contact Sarah Holcomb at (505) 827-2798, if you have any questions concerning this certification. Comments and conditions (if any) pertaining to this draft permit are attached.

Sincerely,
/S/ Shelly Lemon

Shelly Lemon, Chief
Surface Water Quality Bureau

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State Certification of the Proposed NPDES Permit NM0022101
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Conditions of Certification

There are no conditions of certification.

Comments That Are Not Conditions Of Certification

Comment 1.

The state suggests a footnote be added to Part I Table A.1 for Total Residual Chlorine that states, "Chlorine monitoring required only when used for effluent disinfection or other treatment processes at the facility." The permittee may report "not in use" for those periods when no chlorine is used.

Comment 2.

The state would support a change in the requirement of composite sampling for those pollutants currently listed as 6-hour composite to 24-hour composite, as requested by the permittee. Those pollutants include Total Ammonia, Total Nitrogen and Total Phosphorous.

Comment 3.

The state suggests in Part I.C. Monitoring and Reporting - page 4, that the downstream Acequia representatives be contacted in the event of a spill or significant exceedance of effluent limits as noted in the public comment period by Amigos Bravos. Contact information for the Taos Valley Acequia Association is:

Judy Torres
Taos Valley Acequia Association
202 Chamisa Rd.
Taos, NM 87571
taosacequias@gmail.com

Comment 4.

The State suggests the effluent limits for Total Nitrogen Phase III in the previous permit be retained in the renewed permit as written in the public notice proposed by EPA, and published April 28, 2017. These effluent limits are based on information from the 2005 Total Maximum Daily Load (TMDL), records of EPA and the State of New Mexico and records and information provided by the permittee. As described below, though the permittee has reached Phase IV, they are adequately meeting Phase III limits at this time and do not need an increase in limits.

The state recognizes that the development of these effluent limits as found in the Fact Sheet of this and of previous permits, requires some clarification. Therefore, a brief history and explanation is provided below.

The 2005 TMDL approved by EPA on September 14, 2005 established Waste Load Allocations (WLA) for point source contributions and Load Allocations (LA) for nonpoint source contributions of pollutants to the Rio Hondo. The WLA established for the Village of Taos Ski Valley provided a phased approach that would allow conversion of the LA attributed to septic systems to the WLA for the facility, by expanding the collection system and connect homes and businesses with existing septic systems to the facility's treatment plant. The Village identified 77 septic systems that would be connected to the Taos Ski Valley's WWTP collection system. This would remove the contribution to the LA (considered nonpoint potential contributors of pollutants to the receiving water of the Rio Hondo through leakage into

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hydrologically linked ground water). The TMDL also established seasonal and monthly WLA that varied throughout the year based on temperature and stream flows.

The Fact Sheet for the permit effective August 4, 2011 in part has inaccurate information. The previous permit included Total Nitrogen effluent limits based on statements made to the NMED and EPA by the permittee, that the conversion of septic system added to treatment at the WWTP was at 95% completion, equal to Phase V of the original projection as described in the TMDL. At that time the permittee indicated that the facility was consistently meeting lower and more stringent effluent limits as established in the TMDL of Phase III. The permittee indicated it was not necessary to increase the load in the permit at that time. Therefore, the effluent limits in the permit were retained at the Phase III level even though the permit stated the facility had achieved phase V status. The mass loading in the permit was based on a flow of 0.095 MGD as found in the Fact Sheet page 13.

The Five Phases in the TMDL:

Phase I Limits (0% Capture of Septic Systems)

Table found in NPDES Permit NM0022101 issued in 2005 Fact Sheet

Parameter	Time Interval	WLA (lbs/day) 30 Day Avg	WLA (mg/L)	30 Day avg. Concentration	7 Day Avg. Concentrations
Total Nitrogen	November through April	11.1	6.64	6.5	9.5
	May and June	44.0	26.4	26	39
	July and August	21.5	30.1	30	45
	September and October	18.5	55.5	55	82

Phase II Limits (25 % Capture of Septic Systems)

Table found in NPDES Permit NM0022101 issued in 2005 Fact Sheet

Parameter	Time Interval	WLA (lbs/day) 30 Day Avg	WLA (mg/L)	30 Day avg. Concentration	7 Day Avg. Concentrations
Total Nitrogen	November through April	12.4	7.4	7	10.5
	May and June	45.3	27	27	40.5
	July and August	26.4	32	32	48
	September and October	19.8	59	59	88.5

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Phase III Limits (50% Capture of Septic Systems)

Table found in NPDES Permit NM0022101 issued in 2005 Fact Sheet

Parameter	Time Interval	WLA (lbs/day) 30 Day Avg	WLA (mg/L)	30 Day avg. Concentration	7 Day Avg. Concentrations
Total Nitrogen	November through April	13.7	8.2	8	12
	May and June	46.6	28	28	42
	July and August	27.7	33	33	49.5
	September and October	21.1	63	62	93

Phase IV Limits (75% Capture of Septic Systems)

Table found in NPDES Permit NM0022101 issued in 2005 Fact Sheet

Parameter	Time Interval	WLA (lbs/day) 30 Day Avg	WLA (mg/L)	30 Day avg. Concentration	7 Day Avg. Concentrations
Total Nitrogen	November through April	15.0	9.0	9.0	13.5
	May and June	47.9	29.0	29.0	43.5
	July and August	29.0	35.0	35	52.5
	September and October	22.4	67.0	67	100.5

Phase V Limits (100% Capture of Septic Systems)

Table found in NPDES Permit NM0022101 issued in 2005 Fact Sheet

Parameter	Time Interval	WLA (lbs/day) 30 Day Avg	WLA (mg/L)	30 Day avg. Concentration	7 Day Avg. Concentrations
Total Nitrogen	November through April	16.2	9.7	10	15
	May and June	49.1	29.5	29.5	44.3
	July and August	30.3	36.3	36.3	54.4
	September and October	23.7	71	71	106.5

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This permit comment period, the permittee submitted comments to NMED and EPA, including a request for a greater Waste Load Allocation (WLA) for Total Nitrogen based on the 2005 TMDL and the current percentage of septic systems that are now connected to the facility.

The request by the permittee in part states:

Using a phased approach, the objective of the project was to convert ground water loads from these on-site septic systems to loads treated by the VTSV WWTF. According to the TMDL, as the septic systems are converted, the portion of the TN load allocation associated with the septic systems (i.e. 5.17 lbs N/day) will be added to the WWTF waste load allocation. As of June 2017, only 14 homes (ATTACHMENT 1) and both hotels remain on septic systems. Using the calculations included in section 3.2.2 of the TMDL (p. 22), the TN load currently being captured by the WWTF is:

*$(0.0644 \text{ lbs N/day} * 63) = 4.06 \text{ lbs N/day}$*

This is 78.5% capture of the original total 5.17 lbs N/day, which means that the VTSV is fulfilling Phase IV capture criteria of 75%.

The Fact Sheet for the 2005 NPDES permit states:

"77 septic systems with Liquid Waste Disposal Permits are located in the Village of Taos Ski Valley. Those systems are permitted for 2,000 gallons per day. Two hotels located in Taos Ski Valley hold NMED issued Ground Water Discharge Permits for larger systems, with a design capacity of 2,600 and 4,000 gallons per day. The total design flow attributed to septic systems is 160,600 gallons per day. NMED calculated loading from septic systems based on permitted capacity and estimated loading of Total Nitrogen to be 23.5 pounds per year from each small system and 47 and 30.6 pounds per year from the two larger systems. The combined load of Total Nitrogen, which the TMDL attributed to the septic systems, was 5.17 pounds per day."

Effluent data reported by the permittee on Discharge Monitoring Reports and in the NetDMR system for the previous year shows the loading and concentrations for Total Nitrogen are below the Phase III levels as required in the current permit. Although the facility is requesting an increase in the loading of pounds per day in the permit, the monitoring data does not show a present need for this increase in the allowable load. Below are tables showing the effluent reporting and the permit requirements for the previous year.

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00600 Nitrogen, total [as N] / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
10/1/11	9/30/16	COMP-6	Weekly

Limit				
Limit Unit Desc	Pounds per Day	Pounds per Day	Milligrams per Liter	Milligrams per Liter
Statistical Base	30DA AVG	7 DA AVG	30DA AVG	7 DA AVG
Limit Value	13.65	20.5	8.2	12.3
DMR Values				
11/30/16	.34	.55	1.51	1.89
12/31/16	.57	1.05	1.85	2.5
1/31/17	1.57	2.41	3.19	4.81
2/28/17	1.22	2.12	2.29	3.44
3/31/17	.88	1.09	1.69	2.04
4/30/17	.47	.67	1.23	2.05

00600 Nitrogen, total [as N] / Location 1 / Season 1 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
10/1/11	9/30/16	COMP-6	Monthly

Limit				
Limit Unit Desc	Pounds per Day	Pounds per Day	Milligrams per Liter	Milligrams per Liter
Statistical Base	30DA AVG	7 DA AVG	30DA AVG	7 DA AVG
Limit Value	46.55	68.8	27.9	41.2
DMR Values				
6/30/16	.85	1.52	1.49	2.24
5/31/17	.12	.23	.8	.87

00600 Nitrogen, total [as N] / Location 1 / Season 2 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
10/1/11	9/30/16	COMP-6	Monthly

Limit				
Limit Unit Desc	Pounds per Day	Pounds per Day	Milligrams per Liter	Milligrams per Liter
Statistical Base	30DA AVG	7 DA AVG	30DA AVG	7 DA AVG
Limit Value	27.7	41.6	16.6	24.9
DMR Values				
7/31/16	.63	1.13	1.53	2.99
8/31/16	.48	.52	1.37	1.46

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00600 Nitrogen, total [as N] / Location 1 / Season 3 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
10/1/11	9/30/16	COMP-6	Monthly

Limit				
Limit Unit Desc	Pounds per Day	Pounds per Day	Milligrams per Liter	Milligrams per Liter
Statistical Base	30DA AVG	7 DA AVG	30DA AVG	7 DA AVG
Limit Value	21.1	31.7	12.7	19
DMR Values				
9/30/16	.45	.83	1.39	2.16
10/31/16	.6	.8	1.86	2.59

Comment 5.

The Village of Taos Ski Valley has contracted with an engineering firm to design a new WWTP and proposes to increase the volume of treated effluent discharged to the Rio Hondo as the Village and the ski area expands. Design has begun for the new facility. In accordance with these changes, NMED expects to conduct a full Antidegradation review in the next permit cycle in 2022 of all potential pollutants including Total Nitrogen, Total Phosphorous, Ammonia, BOD, TSS, and E. coli. The 2005 TMDL does factor in future growth and will be considered. NMED is also considering updates to the TMDL to incorporate clarifications before the next permit cycle.

End of Comments That Are Not Conditions Of Certification